

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1279 be amended to read as follows:

- 1 Page 39, between lines 4 and 5, begin a new line double block
- 2 indented and insert:
- 3 **"(F) Late payment fees collected from customers."**
- 4 Page 39, between lines 12 and 13, begin a new line block indented
- 5 and insert:
- 6 **"(3) Subject to subsection (c)(11), a pro rata share of all**
- 7 **revenue derived by the holder or the holder's affiliates under**
- 8 **compensation arrangements for advertising carried on the**
- 9 **holder's video service system. The pro rata share with respect**
- 10 **to a particular unit is determined by multiplying the total**
- 11 **revenue received by the holder under the compensation**
- 12 **arrangement by a fraction, the numerator of which is the**
- 13 **number of the holder's subscribers in the unit, and the**
- 14 **denominator of which is the total number of the holder's**
- 15 **subscribers in the relevant regional or national compensation**
- 16 **arrangement. Advertising fees or commissions paid by the**
- 17 **holder to third parties shall not be subtracted from**
- 18 **advertising revenue included in gross revenue under this**
- 19 **subdivision.**
- 20 **(4) Subject to subsection (c)(12), commissions paid to the**
- 21 **holder as compensation for the promotion or exhibition of any**
- 22 **products or services through the holder's system, such as**
- 23 **through a home shopping channel or other similar channel."**
- 24 Page 40, line 34, delete "Late payment fees collected from
- 25 customers." and insert **"Directory or Internet advertising revenue,**

including revenue from yellow pages, white pages, banner advertisements, and electronic publishing.

(12) Any consideration paid directly by a subscriber to a home shopping programmer for merchandise purchased by the subscriber through a home shopping channel offered as part of the video service, but not including any commissions paid to the holder under subsection (b)(4)."

Page 40, line 35, delete "(12)" and insert "(13)".

Page 41, line 24, delete "to:" and insert "to the product of the following:"

Page 41, line 25, delete "the" and insert "The".

Page 41, line 27, delete "chapter;" and insert "chapter."

Page 41, delete line 28.

Page 41, line 29, delete "five percent (5%)." and insert "A percentage equal to the lesser of the following:

(A) Five percent (5%).

(B) A percentage equal to one (1) of the following percentages, whichever applies:

(i) If there is one (1) local franchise in effect with respect to the unit on January 1, 2006, the percentage of gross revenue paid by the holder of that local franchise as a franchise fee to the unit. Upon the expiration of a local franchise described in this item, the percentage shall be determined by the unit but may not exceed five percent (5%).

(ii) If there is no local franchise in effect with respect to the unit on January 1, 2006, a percentage determined by the unit. A percentage determined by the unit under this item may not exceed five percent (5%).

(iii) If there is more than one (1) local franchise in effect with respect to the unit on January 1, 2006, a percentage determined by the unit. A percentage determined by the unit under this item may not exceed five percent (5%)."

Page 46, between lines 40 and 41, begin a new paragraph and insert:

"Sec. 29. (a) This section applies to a provider that elects to terminate a local franchise under section 21(b)(2) of this chapter.

(b) A holder to which this section applies shall continue to provide the following services under the terms of the terminated local franchise until January 1, 2009, or until the terminated local franchise would have expired, whichever is later:

(1) Institutional network capacity, however defined or referenced in the terminated local franchise, but generally including private line data network capacity for use by the unit for noncommercial purposes. Institutional network capacity provided under this subdivision shall continue to be provided at the same capacity as was provided to the unit

1 before the date of termination of the local franchise. However,
2 the unit shall compensate the provider for the actual
3 incremental cost of the capacity provided.

4 (2) Video service to community public buildings, such as
5 municipal buildings and public schools, however defined or
6 referenced in the terminated local franchise, but generally
7 including cable drop connections to the buildings and a
8 particular tier of video service provided to the buildings.
9 Video service provided under this subdivision shall continue
10 to be provided to the same extent provided to the unit before
11 the date of termination of the local franchise. Beginning
12 January 1, 2009, or upon the date on which the terminated
13 local franchise would have expired, whichever is later, a
14 provider that provides video service under this subdivision
15 may subtract from the franchise fee paid to the unit under
16 section 24 of this chapter an amount equal to the actual
17 incremental cost of the video service provided under this
18 subdivision, if the unit requests that the services provided
19 under this subdivision continue after December 31, 2008, or
20 after the date the terminated local franchise would have
21 expired, whichever is later."

(Reference is to HB 1279 as printed January 20, 2006.)

Representative Mahern